

**MINUTES OF THE REGULAR MEETING OF THE COMMON
COUNCIL OF THE CITY OF JASPER, INDIANA
AUGUST 23, 2006**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, August 23, 2006 in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven of the members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. July 19, 2006 regular monthly common council meeting.
2. July 24, 2006 special meeting RE: budget hearings.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger to approve the minutes as presented. Motion carried 7-0.

Boy Scouts. Boys Scouts Will Disinger and Ted Krempf from Troop 185 were present. The scouts are working on their Citizenship in the Community merit badge.

Utility Service Board. Utility Service Board Member Jeff Theising presented a report of the regular monthly meeting held on August 21, 2006. Copies of the minutes are supplied to each council member.

Resolution No. 2006-6 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, TO REQUEST THAT THE INDIANA GENERAL ASSEMBLY, AND THE INDIANA CONGRESSIONAL DELEGATION CONTINUE TO SUPPORT THE

**FAMILIES OF INDIANA, TO SUPPORT STRONG TRADE POLICY,
AND TO TAKE SWIFT AND RESPONSIVE ACTIONS TO HALT
UNLAWFUL BARRIERS TO FAIR AND FREE TRADE.**

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Raymond Howard, and unanimously approved, it was moved to read the resolution for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt, and unanimously approved, it was moved to have the resolution read by title only. The resolution was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt seconded by Councilmember Ambrose Schitter, and unanimously approved, it was moved to pass and adopt Resolution No. 2006-6. During discussion, Katherine Miller, working for the National Association of Manufacturers, explained the need to elevate awareness concerning manufacturing job loss and let local folks have their say. She said her group is non partisan and that the resolution would be forwarded to our congressman. Councilmember Bradley Seger asked if the group had any particular policy. Ms. Miller responded that there are trade laws on the books, which are not being enforced.

**Ordinance No. 2006-29 SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT.**

Ordinance No. 2006-29 prohibits smoking in certain places and places of employment.

The ordinance was introduced upon motion by Councilmember Raymond Howard, seconded by Councilmember Bradley Seger, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, a motion was made by Councilmember Raymond Howard and seconded by Councilmember Bradley Seger to approve Ordinance No. 2006-29 on first reading.

During discussion, City Attorney Hemmerlein reported that this is the same ordinance that failed on second reading at the June 2006 meeting, but with the following "Whereas" statement added:

"WHEREAS, the United States Surgeon General has determined the simple separation of smokers and non-smokers within the same air space may reduce but does not eliminate the exposure of non-smokers to secondhand smoke..."

Councilmember Ambrose Schitter stated he is not against people being allowed to smoke, but he respects the rights of private employers to choose and that it's not the right of the council to tell private employers what they can do in their private business. Councilmember Raymond Howard stated that this was an established health issue and city officials should not turn their backs on this issue. He said the wellbeing of the population outweighs the business part. Councilmember Bradley Seger said a lot of compromises have been made and that the only people who oppose the ordinance publicly were bar owners. He agrees with Councilmember Howard that it is a health issue. Councilmember Randall Buchta said the council should not tell businesses what they can do and felt the businesses

had already done much about it themselves. Councilmember Thomas Schmidt also agreed that a lot of places have made changes. He also stated emphatically that he was not pressured by anyone to change his original vote. Councilmember Bradley Seger referred to a recent report from the Surgeon General warning that you can't block off secondhand smoke and that the Surgeon General is the leading authority on the subject.

Mayor Schmitt called for a vote to approve Ordinance No. 2006-29 on first reading. The ordinance failed on first reading by a vote of 3-4 with Council members Bradley Seger, Kevin Manley and Raymond Howard voting aye and Council members Thomas Schmidt, Ambrose Schitter, John Schroeder and Randall Buchta voting nay.

**Ordinance No. 2006-30 AN ORDINANCE APPROPRIATING
ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR
THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31,
2006**

Ordinance No. 2006-30 appropriates funds in the ROJAC Fund for the Mill grant match.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Ambrose Schitter and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter seconded by Councilmember Kevin Manley, it was moved to pass and adopt Ordinance No. 2006-30. The measure passed 7-0.

During discussion, Financial Coordinator Sharon Sander explained that the City is the local public agency for the project and that the grant money will come through the city. The matching money will come from ROJAC through their local contributions and that the only money the city will spend would be \$25,000 from Riverboat money. Councilmembers Raymond Howard and Bradley Seger were concerned that the city would end up being responsible for the project. City Attorney Hemmerlein read part of the development agreement. Councilmember Raymond Howard wanted assurance that the city would not incur any other costs for the project. Mayor Schmitt responded that any future costs to the city would have to come before the council for approval. Mayor Schmitt stated that the proposed Mill will serve as a welcome center and that the grant money totaled \$900,000 and ROJAC has to match 20%.

**Ordinance No. 2006-31 AN ORDINANCE APPROPRIATING
ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR
THE YEAR ENDING DECEMBER 31, 2006**

Ordinance No. 2006-31 appropriates additional requests by the departments for 2006.

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember John Schroeder, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Brad Seger and seconded by Councilmember Thomas Schmidt, Ordinance No. 2006-31 was unanimously approved on first reading.

During discussion, Financial Coordinator Sharon Sander explained that the additional appropriations were discussed at the July 24, 2006 budget hearing meeting.

Mayor Schmitt announced that a notice would need to be published to taxpayers and that final adoption of the ordinance could be considered September 20, 2006.

Ordinance No. 2006-32 AN ORDINANCE APPROPRIATING MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2007.

Ordinance No. 2006-32 2007 budget appropriations.

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter, Ordinance No. 2006-32 was unanimously approved on first reading.

Financial Coordinator Sharon Sander stated that this was the budget discussed at the budget hearing meeting and that there still was no information from the auditor on what the assessed value would be or any information on the amount of EDIT and COIT. She said she had learned from the Department of Local Government Finance that the growth factor would be 4% and that the city had used 5% for a maximum levy.

Councilmember Bradley Seger was concerned that the city proposed a budget at the maximum levy allowed. He said he would vote for the budget tonight, but if it turns out that the growth of assessed value has not gone up 4%, he would not support it. He hopes the trending factor will make up what was lost in the elimination of the inventory tax. He said if the assessed value did not increase 4%, then we should not increase more than the assessed value increase. Financial Coordinator Sander responded that the Homestead deduction had been increased, which could offset the trending increase.

Mayor Schmitt explained that the city did not always go to maximum levy and we could bank the difference, then the state took it away and so we are encouraged to budget to the maximum levy.

Mayor Schmitt announced that the Form 3 notice to taxpayers needs to be published and a public hearing would be held Wednesday, September 6, 2006 at 8:00 a.m. Final adoption of the ordinance will be considered September 20, 2006.

Ordinance No. 2006-33 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

Ordinance No. 2006-33 establishes the 2007 tax rate for the advertised budget.

The ordinance was introduced upon motion by Councilmember Thomas Schmidt, seconded by Councilmember John Schroeder, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Ambrose Schitter and seconded by Councilmember Randall Buchta, Ordinance No. 2006-33 was unanimously approved on first reading.

Ordinance No. 2006-34 AN ORDINANCE AMENDING SECTION 6 (1) OF ORDINANCE NO. 546 ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA-STOP INTERSECTIONS DESIGNATED

Ordinance No. 2006-34 changes Habig Street at 12th Avenue from a one-way to a two-way stop intersection.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Bradley Seger and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Raymond Howard seconded by Councilmember Ambrose Schitter, it was moved to pass and adopt Ordinance No. 2006-34. The measure passed 7-0.

During discussion, City Engineer Chad Hurm presented a map of the area and explained the reason for the change. The recommendation came from the Board of Public Works and Safety meeting on August 8, 2006.

Ordinance No. 2006-35 AN ORDINANCE AMENDING ORDINANCE NO. 1997-19 ENTITLED AN ORDINANCE REGULATING ANIMALS IN THE CITY OF JASPER, INDIANA, AND PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS

Ordinance No. 2006-35 clarifies provisions in the ordinance regulating animals. Recommendation from the Board of Public Works and Safety August 8, 2006.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Bradley Seger, seconded by Councilmember Kevin Manley and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt seconded by Councilmember Ambrose Schitter, it was moved to pass and adopt Ordinance No. 2006-35. The measure passed 7-0.

During discussion, City Attorney Hemmerlein explained that there had been two penalty sections in the existing ordinance, but only one section is necessary and that this now clarifies who is responsible for confinement costs for an animal that caused injury when the owner is unknown.

Ordinance No. 2006-36 AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA, (Hopf Properties).

Ordinance No. 2006-36 annexes 11.64 acres located west of US 231 and south of County Road 100S (Hopf Properties).

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Bradley Seger, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt and seconded by Councilmember Randall Buchta, Ordinance No. 2006-36 was unanimously approved on first reading.

During discussion, City Engineer Hurm presented a map of the area. City Attorney Hemmerlein reported that Hopf Properties was the one and only petitioner. She also stated that there would be a public hearing on September 20, 2006 and the ordinance could be considered at the October 18, 2006 meeting.

Ordinance No. 2006-37 AN ORDINANCE APPROVING AND AUTHORIZING A LOAN OF FUNDS BETWEEN THE ELECTRIC DISTRIBUTION DEPARTMENT AND THE GAS DEPARTMENT WITHIN JASPER MUNICIPAL UTILITIES, AND OTHER MATTERS CONNECTED THEREWITH

Ordinance No. 2006-37 authorizes a loan from the Electric Distribution Department to the Gas Department for a gas transportation agreement.

Upon motion by Councilmember Raymond Howard, seconded by Councilmember Ambrose Schitter and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter, seconded by Councilmember John Schroeder and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt seconded by Councilmember Kevin Manley, it was moved to pass and adopt Ordinance No. 2006-37. The measure passed 7-0.

During discussion, Gerald “Bud” Hauersperger, General Manager of Utilities, explained the reason for the gas transportation agreement buyout.

Ordinance No. 2006-38 AN ORDINANCE AMENDING ORDINANCE NO. 2004-7, ENTITLED AN ORDINANCE WHICH REPLACES ORDINANCE NO. 2003-17 AND ORDINANCE NO. 2003-61, ADOPTING RULES,

REGULATIONS, CONDITIONS, AND NON-RECURRING CHARGES APPLYING TO UTILITY SERVICE.

Ordinance No. 2006-38 gives the Utility Service Board the authority to set certain fees and charges.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Bradley Seger, seconded by Councilmember Thomas Schmidt and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Raymond Howard seconded by Councilmember Bradley Seger, it was moved to pass and adopt Ordinance No. 2006-38. The measure passed 7-0.

City Attorney Hemmerlein reported that this came as a recommendation from the Utility Service Board.

Ordinance No. 2006-39 AN ORDINANCE AMENDING ORDINANCE NO. 1988-36, ENTITLED AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE CITY OF JASPER, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Ordinance No. 2006-39 changes some language in the ordinance pertaining to the sanitary sewer inspection requirements.

Upon motion by Councilmember Randall Buchta, seconded by Councilmember John Schroeder and approved 7-0, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Thomas Schmidt, seconded by Councilmember Ambrose Schitter and approved 7-0, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2006-39. The measure passed 7-0.

City Attorney Hemmerlein reported that this came as a recommendation from the Utility Service Board.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Randall Buchta to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:40 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary